

SUPPORTING STATEMENT

Standards 57.5037 and 57.5040, Radiation Sampling and Exposure Records (pertain to underground uranium mines and metal and nonmetal underground mines where radon daughter concentrations exceed 0.3 WL).

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Under the authority of Section 103 of the Federal Mine Safety and Health Act of 1977, MSHA is required to ". . . issue regulations requiring operators to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under any applicable mandatory health or safety standard promulgated under this Act."

Airborne radon and radon daughters exist in every uranium mine and several other underground mining commodities. Radon is a radioactive gas. It diffuses into the mine atmosphere through the rock and the ground water. Radon decays in a series of steps into other radioactive elements (which are solids) called radon daughters. Radon and radon daughters are invisible and odorless. Decay of radon and its daughters results in emissions of alpha energy.

Medical doctors and scientists have associated high radon daughter exposures with lung cancer. The health hazard arises from breathing air contaminated with radon daughters which is in turn deposited in the lungs. The lung tissues are sensitive to alpha radioactivity (which is too weak to penetrate the dead layers of the outer skin).

The amounts of airborne radon daughters to which most miners can be exposed with no adverse effects have been established and are expressed as working levels. The current MSHA standard is a maximum personal exposure of 4 working level months per year.

Excess lung cancer in uranium miners, just as coal workers' pneumoconiosis, silicosis, and other debilitating occupational diseases, has been recognized for many years. However, until recently only minimal understanding existed as to acceptable exposure levels as well as the extent to which workers' exposures exceeded these levels. Thus an adequate base of accurate

exposure level data is essential to provide input into new studies that will accurately yield dose-response relationships and will permit an evaluation of current regulations and the effectiveness of disease control programs.

Standard 57.5037 establishes the procedures to be used by the mine operator in sampling mine air for the presence and concentrations of radon daughters. Operators are required to conduct weekly sampling where the fluctuation in radiation is substantial or concentrations of radon daughters exceed 0.3 WL. Sampling is required monthly where uranium mines have consistent readings of 0.1 WL to 0.3 WL and every three months in non-uranium underground mines where the readings are 0.1 WL to 0.3 WL. The mine operators are required to keep records of all mandatory samplings. Records include the sample date, location and results, and must be retained at the mine site or nearest mine office for at least two years.

Standard 57.5040 requires mine operators to calculate, record and report individual exposures to concentrations of radon daughters. The calculations are based on the results of the weekly sampling required by standard 57.5037. Records are maintained by the operator and are submitted to MSHA annually.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The sampling and recordkeeping requirement alerts the mine operator and MSHA to possible failure in the radon daughter control system, and permits appropriate corrective action to be taken in a timely manner. Data submitted to MSHA (on MSHA Form 4000-9, Record of Individual Exposure to Radon Daughters) is intended to: (a) Establish a means by which MSHA can assure compliance with underground radiation standards; (b) form a data base of miner exposure for future epidemiological studies; and (c) assure that miners can, upon written request, have records of cumulative exposures made available to them or their estate, and to medical and legal representatives who have obtained written authorization.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

No improved information technology has been identified that would reduce the burden, however in order to comply with the Government Paperwork Elimination Act, some of the larger mining companies have computerized the individual exposure records, so that the sampling results are entered into the system and the calculations of individual exposure to radon daughters are done automatically. MSHA accepts computer print-outs from those companies.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The Atomic Industrial Forum collects the information from large companies on a voluntary basis and publishes a table annually of the information they collect. However, since they do not collect the information from all companies, their information is not complete. Also, the State Mine Inspector for New Mexico collects the information for that State. To our knowledge, this is the only State to do so. Records are of individual miner's exposure to concentrations of radon daughters. Calculations are based on air samples taken at designated work areas and the time miners were present in those areas. No similar information exists.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

The provisions of the Federal Mine Safety and Health Act of 1977 (Mine Act) and MSHA regulations and standards apply to all operations because accidents, injuries, and illnesses can occur at any mine regardless of size. Congress intended that the Act be enforced at all mining operations within MSHA's jurisdiction regardless of size and that information collection and recordkeeping requirements be consistent with efficient and effective enforcement of the Act. However, Congress did recognize that small operations may face problems in complying with some of the provisions of the Mine Act. Section 103(e) of the Mine Act directs the Secretary of Labor not to impose an unreasonable burden on small businesses in obtaining any information under the Act. Since miners may be exposed to radon daughters at both large and small mines, and their risk would be based on their individual exposure, there is no exception for small operations. This information collection does not have a significant impact on a substantial number of small entities (See, for example, 30 CFR 49.3 and 50.11(b)).

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the Federal program could not assure that a miner did not exceed the annual exposure limit to radon daughters, the individual miner could be in a high risk of developing lung cancer.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- ! requiring respondents to report information to the agency more often than quarterly;

- ! requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

- ! requiring respondents to submit more than an original and two copies of any document;

- ! requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;

- ! in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;

- ! requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

- ! that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- ! requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

While there is no specific requirement that records be kept for more than two years, mine operators are required to have such records during the time their mines are actively operating. This collection of information is otherwise consistent with the guidelines in 5 C.F.R. 1320.5, and does not contain any requirements for respondents to report more than quarterly.

8. If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3

years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

MSHA will publish the proposed information collection requirements in the Federal Register, notifying the public that these information collection requirements are being reviewed in accordance with the Paperwork Reduction Act of 1995, and giving interested persons 60 days to submit comments.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

MSHA has decided not to provide payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

The records of individual exposure to radon daughters are covered by a Privacy Act Systems of Records Notice published in the Federal Register (Vol. 58, No. 183, Thursday, September 23, 1993). The records are stored in locked file cabinets and are accessible only to authorized personnel during working hours. Sampling records are maintained by the mine operator.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There is no assurance of confidentiality provided to respondents.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- ! Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- ! If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- ! Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or

paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Based on the actual radon reports received for 1999, the potential respondent universe is approximately 1 underground uranium mine operator and 1 underground non-uranium mine operator. Therefore, MSHA's estimates are based on 1 non-uranium mine operator and 1 underground uranium mine operator being required to sample and keep records on a weekly basis. Standard 57.5037 requires the operators to take air samples for concentrations of radon daughters and to keep records of the results of the samples. Based on the results of the air samples, Standard 57.5040 requires the operator to calculate individual miners' exposure to radon daughter concentrations. Calculations are performed on a weekly basis and the results are reported to MSHA annually. MSHA health specialists estimate that 5 hours will be spent on sampling, 1.5 hours on recordkeeping, and 1.25 hours performing calculations and recording the results, per week, per mine, 50 weeks per year. Salaries used are based upon data from the U.S. Metal & Industrial Mineral Mine Salaries, Wages, & Benefits - 2000 Survey Results.

Sampling:

2 mines x 50 wks x 5 hrs	=	5.00 hrs.	
500 hours x \$20.02 hr	=		\$ 10,010

Recording results of air samples:

2 mines x 50 wks x 1.5 hrs.	=	1.50 hrs.	
150 hours x \$20.02 hr.	=		\$ 3,003

Calculating and reporting individual miner's exposure to radon daughter concentrations:

2 mines x 50 wks x 1.25 hours	=	1.25 hrs.	
125 hours x \$20.02/hr	=		\$ 2,503

Clerical to prepare annual report for MSHA:

2 mines x 50 wks. X 0.25	=	.25 hrs.	
25 hours x \$18.29/hr	=		\$ 457
TOTAL BURDEN:		8.00 hrs.	\$15,973

The reporting burden is estimated to be minimal and is based on the average salary of a miner properly trained to accomplish the required tests. Clerical work is calculated using the average salary of a clerical employee trained to perform the required paperwork.

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

! The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.

! If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

! Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Because the records are maintained by the mine operator, there are no additional costs associated with this burden other than those described above.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Based on the number of reporting mines (estimated at 2 mines), in paragraph 12 above, MSHA is estimating one day of Government staff time (2 mines at 4 hours per mine annually) to perform data

analysis. Estimated cost is based on a GS-14/8 Mine Safety and Health Specialist salary at the average rate of \$40.05 per hour for a total of \$320.40 cost per year to the Government.

15. Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.

The decrease in burden hours of 721 hours (from 8,000 to 795) is due to a decline in the number (from 20 to 2) of uranium mines over the past few years. Previous estimates included non-producing and inactive mines. The Agency has decided that the estimates would more accurately reflect the actual burden if the most recent responses were used as the base.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Statistical analysis of exposure data is performed in-house by MSHA. Publication of the collected data per se is not contemplated. Disclosure of the data is consolidated and summary form will be achieved through publication of annual reports on Metal and Nonmetal Mine Safety and Health.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

MSHA is not seeking approval to not display the expiration date for OMB approval of this information collection on MSHA Form 4000-9.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

There are no exceptions to the certification statement.

B.Collection of Information Employment Statistical Methods

Collection of information does not employ statistical methods.

